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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,946	04/05/2004	Tsutomu Tatekawa	M1071.1902	2409
32172	7590	08/18/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			GROUP, KARL E	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,946

Applicant(s)

TATEKAWA, TSUTOMU

Examiner

Karl E. Group

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-5-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(a or e) as being anticipated by Tanaka et al (6,908,872).

Tanaka et al teach a ceramic material having the formula  $Ba((Sn_uZr_{1-u})_xMg_yTa_z)_vO_w$  where  $x+y+z=1$  and  $u$  is 0-1 (see column 4, lines 50-60). Also see examples. The claims are considered anticipated.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0838446.

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See examples 40-48 where a composition including  $\text{Ba}(\text{Sn}_x\text{Mg}_y\text{Ta}_z)\text{O}_3$  is taught. The claims are considered anticipated.

5. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0838446 further in view of Tatekawa et al (6,369,669).

The EP reference teaches a dielectric composition to be used in high frequency resonators not unlike the instant invention. The EP reference fails to teach the specific structure of the terminals being electromagnetically connected and a communication device including the dielectric resonator.

Tatekawa et al teach a dielectric high frequency resonator having electromagnetically attached terminals, duplexers and communication devices as conventional structure in the art.

It would have been obvious to one of ordinary skill in the art to use the dielectric composition of the EP reference in the conventional resonator, duplexer, and communication device structures taught by Tatekawa et al because they are taught as being conventional structures.

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese document 6-74162.

The Japanese document teaches a dielectric composition including  $\text{Ba}(\text{Sn Zr})_x\text{Mg}_y\text{Ta}_z\text{O}_3$

That falls within the instant claims. See specifically the figure. The claims are considered anticipated.

7. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese document 6-74162 further in view of Tatekawa et al (6,369,669).

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The Japanese document teaches a dielectric composition to be used in high frequency resonators not unlike the instant invention. The Japanese document fails to teach the specific structure of the terminals being electromagnetically connected and a communication device including the dielectric resonator.

Tatekawa et al teach a dielectric high frequency resonator having electromagnetically attached terminals, duplexers and communication devices as conventional structure in the art.

It would have been obvious to one of ordinary skill in the art to use the dielectric composition of the Japanese document in the conventional resonator, duplexer, and communication device structures taught by Tatekawa et al because they are taught as being conventional structures

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Konoike et al (4,585,744) is cited of interest however the x, y and z values are outside the claimed ranges.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl E. Group whose telephone number is 571-272-1368. The examiner can normally be reached on M-F (6:30-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Karl E Group  
Primary Examiner  
Art Unit 1755

Keg  
8-16-05